

# MARKS & CLERK

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Our Ref: DM/KG/P14055GB

Your Ref: 020243-002111 (new)  
7420-112-002 (old) ✓

*Response re: office  
Action due 10/21/05.*

4 July 2005

Dear Sirs

United Kingdom Patent Application No. 05 04 935.8 ✓  
Halliburton Energy Services, Inc.  
"Single Phase Sampling Apparatus and Method"  
31 Month National Phase Due date: 21 October 2005

Further to our previous correspondence relating to the above, please be advised that we have now received a first Examination Report from the United Kingdom Patent Office, a copy of which is enclosed for your information.

You will note that the Examiner has raised a number of objections. In the first instance we merely pass this copy correspondence on to you and look to you for instructions, as you may already have addressed similar objections in corresponding foreign applications.

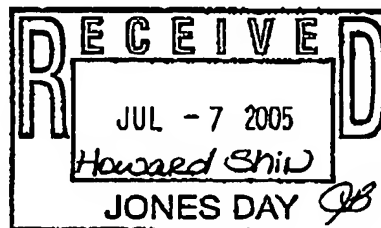
We look forward to receiving your appropriate instructions in good time before the due date of 21 October 2005. ✓

Yours faithfully

*Marks & Clerk*

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Enc copy Examination Report



A list of Marks & Clerk Patent and Trade Mark Attorneys partners is available for inspection at 90 Long Acre, London WC2E 9RA.

Marks & Clerk Patent and Trade Mark Attorneys has offices as follows:

UK: Birmingham Cambridge Cheltenham Edinburgh Glasgow Leeds Leicester Liverpool London Manchester Oxford St Albans  
Overseas: Alicante Luxembourg Hong Kong Ottawa Toronto



Your ref: DM/KG/P14055GB  
Application No: GB0504935.8  
Applicant: Halliburton Energy Services, Inc.  
Latest date for reply: 21 October 2005

Examiner: Dr Jonathan Corden  
Tel: 01633 814302  
Date of report: 21 June 2005  
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## Patents Act 1977 Examination Report under Section 18(3)

### Basis of the examination

1. I have examined your application in the form that it was printed by WIPO when it was in the international phase. I confirm that I have taken into account the International Preliminary Examination Report dated 7 June 2004 (as well as any earlier reports, if existing).

### Plurality of invention

2. Your claims define a number of separate inventions not forming a single inventive concept. The inventions are:

- (a) a formation fluid sample bottle, a formation fluid evaluation tool and a method for extracting formation fluid, as defined in claims 1, 10 and 22;
- (b) a pressurizing piston as defined in claim 20; and
- (c) a method of fluid sample collection as defined in claim 21.

You will need to amend your claims, so that they relate to only one invention or inventive concept. You will also need to make consequential amendments to the description. You may wish to consider filing divisional applications. Any such applications should normally be filed no later than 3 months before the expiry of the period for putting the present application in order.

### Novelty

3. The invention as defined in claims 21, 22 is not new because it has already been disclosed in the following documents:

\*GB 2396648 A (BAKER HUGHES) see abstract, figures and paragraphs [0033]-[0037] especially; relevant to claims 21 and 22

US 2002/0060067 A1 (SCHLUMBERGER) see figures, abstract and paragraphs [0071]-[0074] especially; relevant to claim 21



Your ref: DM/KG/P14055GB  
Application No: GB0504935.8

Date of report: 21 June 2005  
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**[Examination Report contd.]**

No amendment of your claims will be needed in respect of the document marked \* if you can show that the priority date of your invention is not later than the priority date of the relevant disclosure in that document. These documents are additional citations found during completion of the section 17 search.

4. Both of the above documents show a method for downhole fluid sample collection comprising the steps of providing a tube with a first end and a second end and a first piston and second piston; and inserting pressurised gas between the pistons followed by formation fluid sample collection as defined in claim 21. Consequently claim 21 is not novel. GB 2396648 also anticipates a method for extracting a single phase fluid sample from a wellbore as defined in claim 22.

**Clarity and consistency**

5. The description at paragraphs [0009] and [0020] is inconsistent with claims 1, 10, 20-22 insofar as it suggests that a nitrogen charging piston is essential to the invention whereas the claims are silent on such a feature.

**Conflict with a corresponding European patent application**

6. This application appears to be similar to your European patent application published under number EP1540299, having the same priority date and designating GB. If patents granted on these two applications relate to the same invention, the Comptroller will in due course revoke the patent granted on the present application unless either you amend the present specification to remove the conflict or, before the date of grant of the present application under Section 25(1), you begin proceedings to surrender the European patent (UK). Of course if the GB designation is withdrawn before the grant of the European patent, no action will be required under Section 73(2).

**Non-metric units**

7. The equivalent metric values should be given alongside the non-metric values mentioned on pages 2 and 6 of your specification.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,977	11/15/2005	6964206	007420-0112-999	6209

20583 7590 10/26/2005  
JONES DAY  
222 EAST 41ST ST  
NEW YORK, NY 10017

## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 233 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Paul D. Ringgenberg, Frisco, TX;  
Gregory N. Gilbert, Sugar Land, TX;

RECEIVED WORK PROCESSING  
JONES DAY NEW YORK  
TELEFACSIMILE LETTER  
FROM 2005 NOV -8 P 4: 47  
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TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: OFFICE OF PETITIONS

FAX NO.: 1-571-273-0025 FROM: Ognjan V. Shentov, Esq.

PAGES: 109 + Cover Sheet DATE: November 8, 2005

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OFFICE OF PETITIONS

If you have any problems receiving this document, please telephone the sender at  
(212) 326-3650.

Application of: Ringgenberg et al. Confirmation No.: 6209  
Application No. 10/648,977 Filed: August 27, 2003  
For: SINGLE PHASE SAMPLING Apparatus and Method Attorney Docket No.: 7420-0112-999  
CAM: 020243-999111

**MESSAGE:**

Please find attached the following documents:

1. Petition Under 37 C.F.R. §1.313(C)(2) For Withdrawal of Application From Issue After Payment of Issue Fee;
2. Request For Continued Examination (RCE) Transmittal;
3. Information Disclosure Statement;
4. List Of References Cited By Applicant (PTO Form 1449) with the following referenced attached thereto;
  - (i) U.S. Patent Application Publication US 2003/0066646 A1;
  - (ii) U.S. Patent Application Publication US 2003/0066647 A1;
  - (iii) Correspondence dated July 4, 2005, sender: Marks & Clerk, recipient: Jones Day New York;

- (iv) Notification of Transmittal of the International Search Report or the Declaration, dated December 5, 2003; and
- (v) UK Patent Application GB 2 396 548 A.

A hard copy is being sent to the United States Patent and Trademark Office via by Express Mail No. EV 452 772 916 US.

Please do not hesitate to contact us if you have any questions.

Enclosures